

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket № 14330US02)**

In the Application of:

Jeyhan Karaoguz, et al.

Serial No. 10/675,904

Filed: September 30, 2003

For: MEDIA EXCHANGE NETWORK
WITH MEDIA GUIDE INTERFACE

Examiner: Patrick A. Ryan

Group Art Unit: 2427

Confirmation No. 6131

Electronically filed on 25-JAN-2010

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicant requests review of the final rejection in the above-identified application, stated in the final Office Action mailed on October 30, 2009 ("Final Office Action") with a period of reply through January 30, 2010. The Applicant also requests review of the arguments stated on page 2 of the Advisory Office Action mailed on January 12, 2010 ("Advisory Office Action"). No amendments are being filed with this request.

This request is being filed with a Notice of Appeal. The review is being requested for the reasons stated on the attached sheets.

REMARKS

The present application includes pending claims 1-31, all of which have been rejected. Claims 1-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over USPP 2002/0104099 ("Novak"), in view of USP 6,754,904 ("Cooper"). The Applicant respectfully submits that the claims define patentable subject matter.

I. EXAMINER'S RESPONSE TO ARGUMENTS

The Examiner states the following at pages 3-6 of the Final Office Action:

As the Examiner had previously presented, Novak teaches a system and method for pushing media content from a first geographic location to a second geographic location, where a set top box device (STB) can be located at each location (generally demonstrated by Novak in Figs. 1 and 11; with further reference to Office Action Page 3-4). In particular, the Examiner has addressed the claimed "first location" with Novak's Upload Source 122 and the claimed "second location" with Novak's "STB 152" (Office Action Pages 3-4). Novak clearly discloses that multiple selectable and tunable media channels are presented at STB 152 by way of (electronic program guide) EPG 153 (of Fig. 9, as described in Paragraphs [0073-0075]). Novak additionally discloses that Upload Source 122 comprise a set top box, a PC, or other access device (Paragraphs [0039, 0040, 0056]).

According to Novak, Upload Source is presented with Interface 702 of Fig. 7 for scheduling the presentation of personal media (as described in Paragraphs [0067-0068]). It is the Examiner's position that Novak's Interface 702 constitutes a "media guide" (as first stated in Claims 1, 11, and 21 of the instant application) however, Novak does not explicitly demonstrate that this media guide comprise a plurality of channels, wherein one or more of the plurality of channels may be selected and viewed at the first geographic location (i.e. the Upload Source), as presented in Office Action Page 4. Therefore the Examiner has relied upon the Cooper reference to teach this limitation.

In a similar fashion to Novak, Cooper teaches a method and system for communicating information from a STB in a first geographic location to a STB in a second geographic location (as shown in Fig. 6 and described in Col. 4 Line 28-Col. 5 Line 33; with further reference to Office Action Pages 4-5). As demonstrated in Figure 6, each location is presented with an EPG containing multiple channels (as individually identified by channel number and name). Additionally, Cooper discloses that channels in the EPGs are selectable and viewable as presented to each location (in accordance with the method of Fig. 7, as shown in Fig. 8, and as described in Col. 5 Lines 54-Col. 6 Line 39).

The Examiner submits that the teachings of Novak and Cooper demonstrate structurally similar systems providing multi-channel EPG information to end users in accordance with similar techniques and, therefore, these similar teachings are usable together. Novak discloses a system consisting of two STBs at different geographic locations, but only teaches a multi-channel EPG being presented at one of the locations. Cooper also discloses a system consisting of two STBs at different geographic locations and additionally teaches that each STB is presented with a multichannel EPG. Therefore, the Examiner submits that Cooper demonstrates that it

is well known in the art of television program distribution to present a multi-channel EPG to a user regardless of their geographic location. In addition, one of ordinary skill in the art at the time of the invention would have been motivated to modify the STB at Upload Source 122 of Novak to include the multi-channel EPG functionality of Cooper in order to provide traditional STB functions, such as broadcast television consumption, at both locations.

In view of the above teachings, the Examiner submits that the combination of Novak and Cooper teach the Claim 1, 11, and 21 limitations of:

"presenting for display, at a first geographic location, said schedule comprising said one or both of personal media and/or broadcast media in a media guide, wherein said media channel may be pushed from said first geographic location to a second geographic location, wherein said media guide comprises a plurality of channels, and wherein one or more of said plurality of channels may be selected and viewed at said first geographic location."

Regarding Applicant's newly amended limitation of selecting and viewing one or more of the plurality of channels "prior to pushing said media channel to said second location", the Examiner submits that the combination of Novak and Cooper also address this limitation. As previously presented, Novak teaches a method of pushing media from a first geographic location to a second geographic location (generally demonstrated by Novak in Figs. 1 and 11; with further reference to Office Action Page 3-4). The combination of Novak and Cooper teach the presentation of a multi-channel EPG allowing a user at the first location to select and view content (as presented above). Cooper additionally discloses the communication of information from the first geographic location to the second geographic location in the form of Message 600 (as shown in Fig. 6 and described in Col. 4 Lines 28-64). With reference to Figure 9, Cooper demonstrates that a user can receive and view a TV signal 800 prior to transmitting the outgoing message (as described in Col. 6 Lines 19-57; with further reference to the method of Fig. 10). The Examiner submits that one of ordinary skill in the art at the time of the invention would have been motivated to include Cooper's teachings of previewing content prior to transmitting an outgoing message within Novak's system for pushing media from a first to a second geographic location so that the user uploading content could review the content prior to broadcasting.

The Applicant respectfully disagrees. Even though Novak's upload source 122 may utilize a STB, the fact remains that **the synthetic channel media objects (uploaded at the source 122 and seen in Fig. 7) are only accessed and displayed at the location of the STB 152, and not from the location of the upload source 122** (see Novak at paragraph 0063).

Even though Cooper discloses two separate locations with two separate EPGs (602a and 602b in Fig. 6), **none of Cooper's STBs (at either location 602a or 602b) can select and view a media channel (or media), prior to pushing the same media channel (or media) to the other location.** The Applicant agrees (as stated by the Examiner in the above underlined citation) that Cooper discloses the communication of

information from the first geographic location to the second geographic location. However, such "communicated information" is in the form of a message 600, which only includes links (e.g., 616 and 618) that control the tuner of a set-top box (see Cooper at col. 4, lines 28-49). **The message 600 does not include media, which is displayed at the first STB location (e.g., 602a), prior to the same media being communicated for display at the second STB location (e.g., 602b).**

The Examiner states the following in the Advisory Office Action:

- (1) ... Novak is used to demonstrate the claimed pushing of media from a STB at a first geographic location to a STB at a second geographic location. However, *Novak does not clearly establish that a media channel can be selected and viewed at the STB of the first location* (Final Office Action Page 8).
- (2) ... Regarding the "prior to pushing" limitation, the Examiner has cited that Cooper demonstrates that a user can receive and view a TV Signal 800 prior to transmitting an outgoing message to a second location (Final Office Action Page 9; Cooper Col. 6 Lines 19-57). It is the Examiner's position that Novak's pushing of media and Coopers transmitting of an outgoing message analogous communications from a first location to a second location (Final Office Action Pages 9-10) and therefore maintains that the combination of Novak and Cooper teach the limitations of Claims 1, 11, and 21.

In response to argument (1) above, the Applicant points out that the above italicized sentence does not fully represent the deficiencies of Novak. Novak not only fails to establish that "a media channel can be selected and viewed at the STB of the first location", but **Novak also fails to establish that a media channel can be selected and viewed at one location prior to the same channel being pushed to another location.**

In response to argument (2) above, the Applicant points out that even though Cooper discloses that a user can receive and view a TV signal 800, it is the outgoing message (and not the received signal 800) that is sent to another location. In addition, as pointed out above, the message 600 does not include media, which is displayed at the first STB location (e.g., 602a), prior to the same media being communicated for display at the second STB location. In other words, **Cooper receives a TV signal 800 (which is displayed at the user location but it is not pushed to another location). Cooper also generates a message 600, which is sent to another location but it is not "media" that is displayed at the user location.** Therefore, under both analyses (using either the TV signal 800 or the generated message 600), Cooper does not overcome the deficiencies of Novak since it does not disclose that a channel/media can be selected and viewed at one location prior to pushing the same channel/media to another location.

To summarize, Novak does not disclose that the media guide comprises a plurality of channels, where one or more of the plurality of channels may be selected and viewed at the first geographic location prior to pushing the selected media channel to the second geographic location. The Examiner conceded this (e.g., first paragraph in page 4 of the Final Office Action) and relied on Cooper. However, as explained above

(and in pages 15-17 of the July 1, 2009 response), Cooper does not overcome these deficiencies of Novak.

The Applicant respectfully maintains all arguments stated in the December 30, 2009 response.

II. Conclusion

The Applicant respectfully submits that claims 1-31 of the present application should be in condition for allowance at least for the reasons discussed above and request that the outstanding rejections be reconsidered and withdrawn. The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

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